

### **REMARKS**

The present Amendment is in response to the Examiner's Final Office Action mailed August 21, 2006. Claims 3, 13, and 21 are cancelled and claims 1, 9, 16, and 22 are amended. Claims 1, 2, 4-12, 14-20 and 22 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

#### **I. Allowed Subject Matter**

The Examiner's allowance of claims 3 and 13 is appreciated. Applicants wish to thank the Examiner for the careful review and allowance of those claims. The applicants have canceled claims 3 and 13, but have amended independent claims 1 and 9 to conform with the claimed subject matter of allowed claims 3 and 13. Therefore, at least for the same reasons as allowed claims 3 and 13, claims 1 and 9 are believed to be allowable. Moreover, for at least the same reason, claims now depending from claims 1 and 9 – namely, claims 2, 4-8, 10-12, and 14-15 – are also in a condition for allowance.

The Applicant's submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claims 3 and 13 is patentable over the prior art, but respectfully disagrees with the Examiners statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as

the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicant's do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

The Examiner has indicated that claim 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten independent claim 16 to represent the subject matter of claim 21 in independent form. As acknowledged by the Examiner, the subject matter of that claim is patentably distinct from the prior art, and is now in a condition for allowance. Moreover, for at least the same reason, claims now depending from claim 16 – namely, claims 17-20 – are also in a condition for allowance.

Similarly, claim 22 has been rewritten so as to incorporate elements related to the target wavelength indicated as allowable by the Examiner. As such, claim 22 is also believed to be in condition for allowance.

In summary, claims 1, 2, 4-12, 14-20 and 22 are now pending in view of the above amendments, and all are patentably distinct from the prior art. Allowance of each of these claims is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 15th day of December, 2006.

Respectfully submitted,

**/David A. Jones/ Reg. # 50,004**

DAVID A. JONES

Registration No. 50,004

Attorney for Applicant

Customer No. 022913

Telephone: (801) 533-9800